

Remarks/Arguments

Reconsideration of the present application, as amended, is respectfully requested.

A. Status of the Claims

Claims 1 - 18 were pending.

Claims 1 and 5 are being amended.

Claim 3 is being cancelled.

Claims 1, 2, and 4 – 18 are now pending.

B. Allowable Subject Matter

The Examiner indicated that Claims 17 and 18 are allowed and that Claims 3, 7 – 10, and 12-16 would be allowable if rewritten in independent form.

C. Claim Rejections Under 35 U.S.C. §112, Second Paragraph

Claim 5 was rejected as being allegedly indefinite for the limitation “the two half-bodies”.

Claim 5 is being amended to address this rejection. No new matter has been added.

D. Claim Rejections under 35 U.S.C. §102 based on Nakamura

Claims 1, 2, 4, and 6, had been rejected as being anticipated by Nakamura (U.S. 5,497,931).

Applicant respectfully submits that Nakamura does not anticipate the claimed invention because mobile plate 54 of Nakamura cannot slide between portion 105 of ejection head and striker 36 when the latter pushes the first staple or nail (See Fig. 3 of Nakamura).

Without conceding the correctness of the Examiner’s position, but solely to advance prosecution, applicant has amended Claim 1 to include the feature of Claim 3, found allowable. With the above amendments, the application is believed to be in condition for allowance, and such action is respectfully requested.

E. Fees

No fees are believed to be due. If, on the other hand, it is determined that any are due or any overpayment has been made, the Assistant Commission is hereby authorized to debit or credit such sum to Deposit Account #02-2275. Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

F. Conclusion

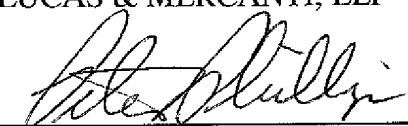
In view of the amendments and arguments presented, it is respectfully submitted that each and every one of the matters raised by the Examiner has been addressed by the present amendment and that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted

LUCAS & MERCANTI, LLP

By:

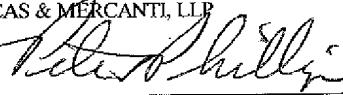

Peter J. Phillips, Reg. No. 29,691
(Attorney for Applicant)
475 Park Avenue South
New York, New York 10016
Tel: (212) 661-8000

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LUCAS & MERCANTI, LLP

By:


Peter J. Phillips, Reg. No. 29,691